



Connecticut Department of

ENERGY &
ENVIRONMENTAL
PROTECTION

October 22, 2012

WATER PROTECTION AND LAND REUSE
REMEDIATION DIVISION

APPROVAL

Mr. Jeffrey Araujo, Manager
NRG -Middletown Power LLC
PO Box 1001
1866 River Road
Middletown, CT 06457

OCT 23 2012

SITE NAME Middletown Generation
ADDRESS 1866 River Rd Station
TOWN Middletown
FILE TYPE REM

RE: Environmentally Isolated Soil Exemption
Middletown Generating Station, 1866 River Road, Middletown, CT
EPA I.D. No. CTD000845230
Remediation ID: # 4374 for Property Transfer Program
7442 for RCRA Corrective Action Program

Dear Mr. Araujo:

The Remediation Division of the Bureau of Water Protection and Land Reuse of the Connecticut Department of Energy and Environmental Protection (the Department) has reviewed the letter-report titled "Request for Approval for Inaccessible Soil Exemptions and Environmentally Isolated Soil Exemptions, Middletown Generating Station, Middletown, CT" ("Request") dated June 27, 2012. The report was submitted on behalf of Middletown Power LLC by The Shaw Group Inc., MA (Shaw) in conjunction with Section 22a-133k-2 of the Remediation Standard Regulations (RSRs) to address polluted soils at the Middletown Generating Station (the Site) exceeding the Industrial/Commercial Direct Exposure Criteria (I/C DEC) and/or the GB Pollutant Mobility Criteria (PMC).

This letter addresses a request for approval environmentally isolated soil exemptions only. Your request for approval of inaccessible soil exemptions is addressed in a separate correspondence.

In the subject report, NRG-Middletown Power LLC requests an approval to use an existing permanent structures located at the Site (the North Fuel Oil Additive Aboveground Storage Tank) to render the polluted soil beneath this structure environmentally isolated, as defined in Section 22a-133k-1(a)(15) of the RSRs. This permanent structure provides an effective barrier to infiltration of water through soil preventing the migration of pollutants. An Environmental Land Use Restriction (ELUR) will also be recorded to ensure that such polluted soils will not be exposed as a result of excavation, demolition of the existing permanent structure, or other activities.

The above referenced request is hereby approved.

Nothing in this approval shall affect the Commissioner's authority to institute any proceeding, or take any action to prevent or abate pollution, to recover costs and natural resource damages, and

to impose penalties for violations of law. If at any time the Commissioner determines that the actions have not fully characterized the extent and degree of pollution or have not successfully abated or prevented pollution, the Commissioner may institute any proceeding, or take any action to require further investigation or further action to prevent or abate pollution. This letter relates only to pollution or contamination identified in the above referenced report.

In addition, nothing in this approval shall relieve any person of his or her obligations under applicable federal, state and local law.

If you have any questions pertaining to this matter, please contact Gene Shteynberg at (860) 424-3283 or at Gennady.Shteynberg @ct.gov.

Sincerely,



Patrick F. Bowe, Director
Remediation Division
Bureau of Water Protection and Land Reuse

PFB:GGS

cc: Andrew Walker, LEP, Shaw
Robert Spooner, NRG (electronic)
Keith Shortsleeve, Middletown Power LLC
Juan Perez, EPA New England (electronic)